

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.A.No.689 of 2016
and
C.M.P.Nos.9047 to 9049 of 2016

D.Raja Appellant/Petitioner

Versus

1. The Joint Sub Registrar No.I
Saidapet South Chennai

2. D.Amsaveni

3. M. Saravanan

4. Mr.S.Sadhasivam

(R4 impleaded as party respondent
vide order dated 4.8.2016 made in
C.M.P.No.11319 of 2016) Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters
Patent against the order dated 2.6.2016 passed in W.P.No.20657
of 2015 on the file of this court.

W.P.No.20657 of 2015 : To issue a Writ of Declaration the
Registration of the Unilateral Cancellation Deed (executed by
the 2nd respondent) registered by the 1st respondent on
6.11.2014 as Document No. 11796 of 2014 before the Office of the
1st respondent, with respect to the land, premises measuring
3440 s.ft. with the buildings thereon bearing New Door No.8
(3/8), in Plot No.70 and 88 of Rejeswari Nagar, Porur, Chennai-
116 comprised in Survey Nos.38/Part, 38/1A1B1 and 38/1A1B2 of
Karambakkam Village, Ambattur Taluk, Thiruvallur District as
null and void.

For appellant : Mr.S.Kumaresan
For R1 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For R2 : Mr.B.Sudhirkumar
For R3 : Mr.N.L.Rajah, Senior Counsel for
Mr.K.Balu
For R4 : Mr.G.Ethirajulu

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

This appeal is filed by the petitioner before the learned Single Judge, aggrieved against the order of dismissal of W.P.No.20657 of 2015.

2. The relief sought for in writ petition is a declaration that the registration of the Unilateral Cancellation Deed (executed by the 2nd respondent) registered by the 1st respondent on 6.11.2014 as Document No. 11796 of 2014 before the Office of the 1st respondent with respect to the land, premises measuring 3440 sqft. with the buildings thereon bearing New Door No.8(3/8) in Plot Nos.70 and 88 of Rejeswari Nagar, Porur, Chennai-116 comprised in Survey Nos.38/Part, 38/1A1B1 and 38/1A1B2 of Karambakkam Village, Ambattur Taluk, Thiruvallur District.

3. On a perusal of the prayer and the order passed by the learned Single Judge, it is clear that it is an attempt by the petitioner to make out a case for declaration under Article 226 of the Constitution of India, which had to be established by the petitioner by making out a prima facie case, by giving opportunity to the other side for filing a written statement, which is unheard of. The remedy for the petitioner is very much available before the civil court to establish the case and then to obtain an order in accordance with law. Therefore, liberty is granted to the appellant to approach the civil court. Even it is clarified by the learned Single Judge in the order that the petitioner has got his remedy before the competent civil court. In such view of the matter, the writ appeal is disposed of. All the contentions are left open to be raised by the parties, before the civil court, if they are so advised. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To

The Joint Sub Registrar No.I
Saidapet,
South Chennai.

+2cc's to Mr.G.Ethirajulu, Advocate, S.R.Nos.59037 & 58825

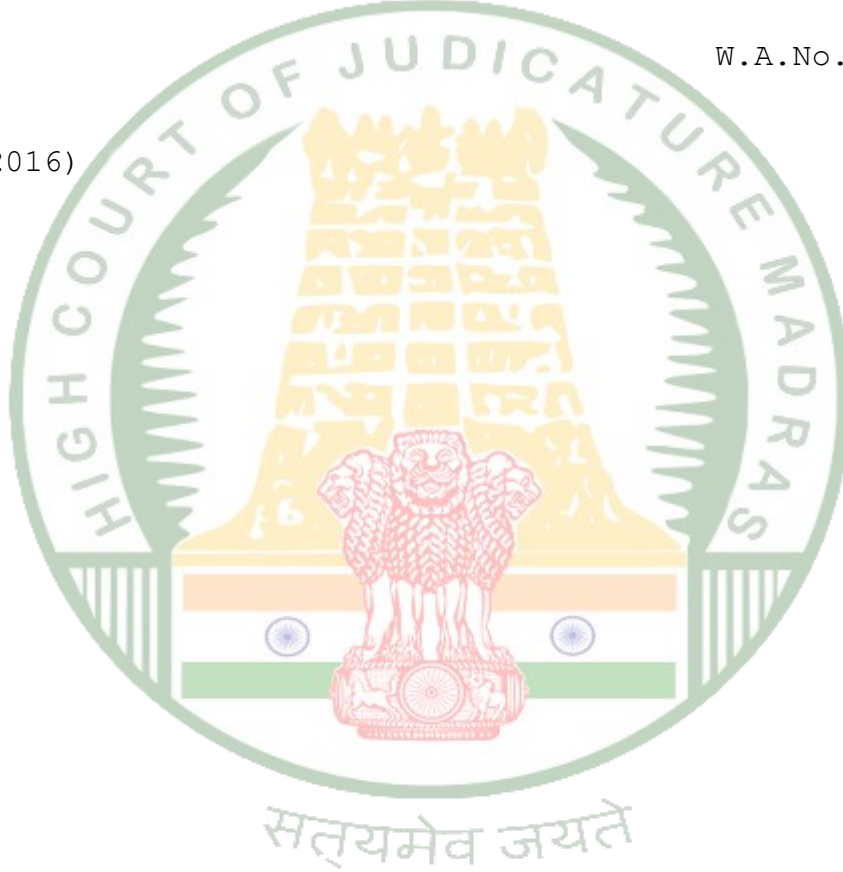
+1cc to Mr.K.Balu, Advocate, S.R.No.58824

+2cc's to Mr.S.Kumaresan, Advocate, S.R.No.59121

+1cc to the Government Pleader, S.R.No.58961

W.A.No.689 of 2016

PVS (CO)
CA(09/11/2016)



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